APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,304	12/15/2003	Matthew R. McQueeney	50-03-054	5446

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EXAMINER
INGBERG, TODD D

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2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/736,304	MCQUEENEY, MATTHEW R.
	Examiner	Art Unit	
	Todd Ingberg	2193	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>2/18/07</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Claims 1 – 15 have been examined.

Specification

1.   The Examiner's Statement from First Action On Merit (FAOM). "On page 3 of the

Specification the Applicant has defined the terms "include", "comprise", "or", "associated with",

"associated therewith". The defining of these terms is only taken in the technical definition. In

the legal scope of the terms in view of the meaning in Patent claims the Applicant has no

authority to override terms such as "include" or "comprise" etc. Applicant may only define terms

for technical meaning but not the terms of Patent law."

Applicant's Remarks

"Applicant notes the Examiner's statements regarding the definition of claim terms in the

specification, and in particular the Examiner's statement that "In the legal scope of the terms in

view of the meaning in Patent [sic] claims the Applicant has no authority to override the terms

such as "include" or "comprise" etc. Applicant may only define terms for technical meaning but

not the terms of Patent [sic] law." Applicant disagrees. The case law and MPEP are clear that the

Applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim

terms are to be given their ordinary and customary meaning by clearly setting forth a definition

of the term that is different from its ordinary and customary meaning(s). See, e.g., MPEP

2111.01 and 2175.05(a). There is no restriction on this entitlement. The Examiner is invited to

provide any statute, rule, or MPEP section in support of his position."

Examiner's Response

In re Fine states Applicant can be their own lexicographer. Provided they provide a

lexicon. Applicant is invited to point out their lexicon in the Specification.

2.   Examiner *"Thanks"* Applicant for capitalization of trademarks. Applicant's changes to

the Specification on pages 2 and 3 have been entered.

Claim Rejections - 35 USC § 101

3.   The previous rejection under 35 U.S.C. 101 has been overcome by amendment.

Information Disclosure Statement

4.   The Information Disclosure Statement filed February 16, 2004 has been considered as

"not considered" for failing to comply with the requirements for Information Disclosure

Statements (IDS).

5.   Examiner presumes the Applicant in an effort to assist the Examiner responded to the

following from the original Office Action. from the Examiner: "The Applicant makes mention of

a "Microsoft Lightweight Directory Access Protocol Software Development Kit" on page 1. The

Examiner deems documentation on the Kit relevant to the claimed invention. An Information

Disclosure Statement should be made on the documentation. "

6.   Applicant provided the following links with Statements:

"http://msdn2.microsoft.com/en-us/library/aa366112.aspx (And sublinks)

http://msdn2.microsofl. com/en-us/library/aa366961.aspx (And sublinks)

http://msdn2.microsoft.com/en-us/library/aa367008.aspx (And sublinks)

http://msdn2.microsoft.corfiJen-us/library/aa366075.aspx (And sublinks)"

Examiner's Response

The actual dates are lacking. The date of publication is part of the requirements. The

mention of "sublinks" is not relevant. The nature of web pages makes considering material that

may change or be deleted not a proper disclosure. The actual hardcopies of link not the material

they supposedly disclosed information at the link to is the scope of the disclosure. The existence

of some links at some date in time is the current not considered IDS.

Applicant's Remark
"Applicant hereby expressly reserves the right to swear behind the effective dates of any
of the above Patents and to question the relevance and materiality of the Patents and Publications
listed herein, in whole, in part, or in combination, subsequent to filing this Information
Disclosure Statement."
Examiner's Response

Examiner can only request Applicant's be diligent in matters such as swearing behind

references. this is a matter that should have been part of the response to First Action On Merit.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1, 6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by **LDAP**

Programming With JAVA, by Rob Weltman et al, published 2000.

Claim 1
LDAP anticipates a method processing a function call (LDAP, LiveConnect, page 250),
comprising: receiving a first function call in a first programming language (LDAP,
JAVASCRIPT , page 250) ; translating the first function call into a second function call in a
second programming language (LDAP, JAVA , page 250); transmitting a lightweight directory
access protocol function call (LDAP, LiveConnect, JAVACLASS page 250), corresponding to
the second function call, to a software service (LDAP, LiveConnect + wrapper, page 250);
receiving results from the software service (LDAP, programming samples, pages 251 - 253);

formatting the results to correspond to the first programming language (LDAP, JAVASCRIPT, page 250)
; and returning the formatted results (LDAP, Display , page 252).

Claim 6
LDAP anticipates a data processing system having at least a processor and accessible memory, comprising: means for receiving a first function call in a first programming language; means for translating the first function call into a second function call in a second programming language; means for transmitting a lightweight directory access protocol function call, corresponding to the second function call, to a software service; means for receiving results from the software service; means for formatting the results to correspond to the first programming language; and means for returning the formatted results. See the rejection for claim 1.

Claim 11
LDAP anticipates a computer program product tangibly embodied in a machine-readable medium, comprising: instructions for receiving a first function call in a first programming language; instructions for translating the first function call into a second function call in a second programming language; instructions for transmitting a lightweight directory access protocol function call, corresponding to the second function call, to a software service; instructions for receiving results from the software service; instructions for formatting the results to correspond to the first programming language; and instructions for storing the formatted results in a second machine-readable medium and returning the formatted results. As per claim 1.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 2 – 5, 7-10 and 12 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable

over **LSAP** as taught by LDAP Programming With JAVA, by Rob Weltman et al, published

2000 in view of .NET as taught by Learning C#, Jess Liberty from 2002 referred to as (MS).

Claim 2
The method of claim 1, wherein the first programming language is Visual Basic. #. LDAP teaches the implementation of JAVA, JAVASCRIPTS and JAVABEANS but does not teach the implementation of Microsoft's Visual Basic programming language. It is by Jess Liberty in

Learning C# (MS, page 2) published 2002. Therefore, it would have been obvious to one of ordinary skill in the art to alter the teachings of LSAP and implement Visual Basic as taught by MS, because the product could compete with LSAP from Sun Micro Systems.

Claim 3
The method of claim 1; wherein the first programming language is C#. LDAP teaches the implementation of JAVA, JAVASCRIPTS and JAVABEANS but does not teach the implementation of Microsoft's C# programming language. C# is JAVA like and is taught by Jess Liberty in Learning C# (MS, page 2) published 2002. Therefore, it would have been obvious to one of ordinary skill in the art to alter the teachings of LSAP and implement C# as taught by MS, because the product could compete with LSAP from Sun Micro Systems.

Claim 4
The method of claim 1, wherein the second programming language is C. LDAP teaches the implementation of JAVA, JAVASCRIPTS and JAVABEANS but does not teach the implementation of the ANSI standard C programming language. C is taught by Jess Liberty in Learning C# (MS, page 1) published 2002. Therefore, it would have been obvious to one of ordinary skill in the art to alter the teachings of LSAP and implement C as taught by MS, because the product could compete with LSAP from Sun Micro Systems.

Claim 5
The method of claim 1, wherein the software service is Microsoft Lightweight Directory Access Protocol Software Development Kit. LDAP teaches a Lightweight Directory Access Protocol Software Development Kit (LDAP, page 51, SDK). It appears the Microsoft prior to the filing of this application does not possess a Lightweight Directory Access Protocol Software Development Kit (Admitted Prior Art). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to add the functionality of LDAP and Microsoft .NET as taught by Jess Liberty in Learning C# (MS, page 2) published 2002 to Lightweight Directory Access Protocol Software Development Kit, because the product could compete with LSAP from Sun Micro Systems LDAP.

Claim 7
The data processing system of claim 6, wherein the first programming language is Visual Basic. See the rejection for claim 2.

Claim 8
The data processing system of claim 6, wherein the first programming language is C#. See the rejection for claim 3.

Claim 9
The data processing system of claim 6, wherein the second programming language is C. See the rejection for claim 4.

Claim 10
The data processing system of claim 6, wherein the software service is Microsoft Lightweight Directory Access Protocol Software Development Kit. See the rejection for claim 5.

Claim 12
The computer program product of claim 11, wherein the first programming language is Visual Basic. See the rejection for claim 2.

Claim 13
The computer program product of claim 11, wherein the first programming language is C#. See the rejection for claim 3.

Claim 14
The computer program product of claim 11, wherein the second programming language is C. See the rejection for claim 4.

Claim 15
The computer program product of claim 11, wherein the software service is Microsoft Lightweight Directory Access Protocol Software Development Kit. See the rejection for claim 5.

Response to Arguments

11.   Applicant's arguments filed February 16, 2007 have been fully considered but they are

not persuasive.

Arguments for 102

On page 10 of Applicant's response, Applicant states they do not see in the rejection the

converting from one programming language into a second programming language. A

programming language has syntax and semantics. In the broadest reasonable interpretation in

view of the Specification, the classes as mentioned by MyLDAP class and the relationship to the

other classes is a programming language. In Object Oriented programming class modeling

represent the runtime object. The function calls modeled in a class structure have syntax and

semantics and model the runtime object which as a syntax and semantics.

More specific to the rejection, the way Weltman describes the working of LDAP is a look up process to determine the service to execute. That process was considered inherent to LDAP and is described on pages 243 – 244.

As to the argument that Weltman does not include code that appears to receive code from a software service on page 252. In view of the way LDAP looks up services the comment where a specific entry is read is the point of the rejection.

Applicant may elect to clarify the invention by eliminating runtime considerations (interpretations). It appears by the arguments that the intent was to consider a pure development environment.

Arguments for 103

The arguments under 102 are mentioned under 103 as a means of distinguishing the invention.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
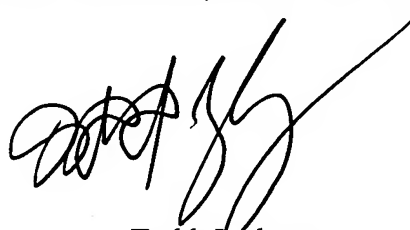
however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Correspondence Information

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The

examiner can normally be reached on during the work week..

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Todd Ingberg
Primary Examiner
Art Unit 2193

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